

Minutes of Public Meeting
ARIZONA BOARD OF FINGERPRINTING
July 17, 2001

The Arizona Board of Fingerprinting held a telephonic meeting at the Department of Public Safety, Second Floor Facilities Conference Room, 2102 West Encanto Blvd., Phoenix, Arizona. The meeting began at approximately 2:12 p.m.

MEMBERS PRESENT

Mike LeHew
Cynthia Goertz
Kim Pipersburgh
Katherine Hill

MEMBERS ABSENT

Corinne Velasquez

CALL TO ORDER

ROLL CALL

MINUTES

Ms. Hill made a motion to approve the minutes of April 11, 2001. Motion carried 4-0, with one Board member absent.

MOTION

BUSINESS REPORTS

Mr. LeHew opened the floor for nominations for officers. Ms. Hill made a motion to nominate Mr. LeHew as Chair. There were no other nominations. Mr. LeHew was re-elected on a vote of 3-0, with one abstention and one Board member absent.

ELECTIONS

MOTION

Ms. Hill made a motion to nominate Ms. Velasquez as Vice-Chair. There were no other nominations. Ms. Velasquez was re-elected on a vote of 4-0, with one Board member absent.

MOTION

After discussion, Ms. Hill made the motion to approve the fourth quarter budget report. Motion carried 4-0.

QUARTERLY BUDGET REPORT

MOTION

After discussion, Ms. Hill made the motion to approve the fourth quarter strategic plan report. Motion passed 4-0.

QUARTERLY STRATEGIC PLAN REPORT

MOTION

No statistical information was available due to lack of staff and illness of existing staff.

STATISTICAL REVIEW OF BOARD ACTIVITIES

Ms. Loveland reported to the Board on the status of this fiscal year's budget and the current backlog of good cause exception appeals. The Board's FY 2002/2003 funding was approved as a second trigger budget item but will probably never be funded because of the downturn in the state's economy. At the same time, the expected number of appeals continues to increase. Although, DPS has made up the shortfall in the Board's budget in the past, they are concerned about the significant increase required for the next two years and are seeking a long term resolution to the chronic under-funding. The shortfall is projected at \$234,900 for this fiscal year, and another \$310,600 for next fiscal year. DPS sent a letter to the Governor's Office notifying them of the shortfall and the Board's serious backlog.

DPS REQUEST TO GOVERNOR FOR RELIEF FUNDING IN FY2002

Mr. LeHew announced that the Attorney General's Office has assigned an attorney to the Board. Her name is Christine Cassetta. Ms. Lisa Stelley set up a meeting between Board staff and Ms. Cassetta. During discussion, Lisa mentioned that a memo had been generated regarding the Board's autonomy but that she did not have a copy. Mr. LeHew directed Staff to contact the Attorney General's Office to obtain copy of memo.

NEW ATTORNEY AND BOARD AUTONOMY ISSUE

(Subsequently, Ms. Cassetta called Board staff and said that an internal AG memo had been generated, but it was never sent because it was decided that the newly appointed attorney should research and make the determination.

Ms. Cassetta asked for input from Board members on the issue of autonomy.)

GENERAL SESSION

After discussion, Ms. Hill made the motion to accept the plan as written and submit to DPS for inclusion in their strategic plan.
Motion carried 4-0.

CONSIDERATION OF THE FY2002-2004 STRATEGIC PLAN SUBMISSION

MOTION

After discussion, Ms. Hill made the motion for the Board to re-file the Docket.
Motion carried 4-0.

CONSIDERATION OF FILING A NOTICE OF RULEMAKING DOCKET OPENING.

MOTION

In various meetings with Senator Tom Smith last legislative session, he expressed a desire that all of the agencies involved in fingerprinting meet sometime this summer to discuss and possibly agree on changes or modifications needed in the laws governing the fingerprint process. The Board, as a neutral party, agreed to schedule the first round of meetings. Discussion revolved around whether these initial meetings should be with the provider agencies or just with the five agencies that require fingerprint clearance cards. It was decided that initial meetings should be with agencies only. Subsequent meetings may include provider agencies and could be in the form of focus groups. Board staff was directed to draft a letter by August 8, 2001 for Board review, inviting Senator Smith and representatives from DPS and the five fingerprint clearance card agencies to begin a dialogue on needed changes in the laws. Board members will review and provide feedback by August 15, 2001. Ms. Goertz made the motion to send an invitation letter as approved by the Board. Motion carried 4-0.

CONSIDERATION OF BOARD SCHEDULING PUBLIC MEETINGS WITH AGENCIES AND PROVIDER AGENCIES REGARDING CHANGES TO LEGISLATION

MOTION

(Board staff did not get a draft letter prepared by the August 8, 2001 date. A letter requesting a meeting in September is forthcoming.)

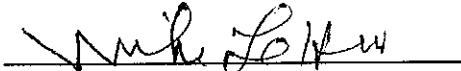
CALL TO THE PUBLIC

There were no visitors present.

ADJOURNMENT

Mr. LeHew adjourned the meeting at approximately 2:57 p.m.

Approved by the Board on the 17 day of October, 2001.


Chair

ARIZONA BOARD OF FINGERPRINTING

Good Cause Exception Appeals

If you have been denied a fingerprint clearance from the Department of Public Safety, you may be eligible for a good cause exception.

It is important that you indicate on the application which type of fingerprint clearance you are requesting. If your employer requires a fingerprint clearance card, you must indicate whether you are appealing for a Class One or Class Two card. Most agencies require *at least* a Class Two fingerprint clearance card. However, if you will be working for an agency that has a contract with the Department of Economic Security – Division of Developmental Disabilities or are applying to be a surrogate parent under the Department of Education, you will need a Class One card.

If you work in a residential care institution, nursing care facility, or home health agency contracted through the Department of Health Services (Vulnerable Adults), you are required to have a letter of Approval.

The Board has the right to consider your **entire** state and/or federal criminal record when making a good cause exception determination. Please list all arrests that may be on your record when completing the application form and provide all of the requested documentation. The following guidelines apply to all requests for good cause exception:

1. In order to receive a good cause exception application, the Applicant must send the Board a copy of the Department of Public Safety (DPS) denial letter {within thirty (30) days of the date on the denial letter} and request a good cause exception.
 2. Before an applicant can be scheduled for a hearing, an expedited consideration, or an interim work permit, the Board must receive a completed application package.
 3. A completed package consists of: a notarized, completed application form; an explanation (in your own words) of every offense that may be on your criminal history; police reports and court documents as required below; evidence that the applicant met all requirements imposed by the court (court documents, receipts, and/or personal statement); a notarized, completed criminal history affidavit; and three current, original and signed letters of reference. (Letters of reference do not need to be notarized.)
 4. The applicant must submit all required documentation within forty-five (45) days of the date the application package was sent to them.
 5. If a completed application package is not received within sixty (60) days of the date the application was sent, it will be assumed that the applicant has withdrawn from the process. The applicant must then reapply to the DPS and be denied before appealing to the Board for a good cause exception.
 6. If the letter from DPS indicates that they have no information regarding the disposition of the charge, the applicant **MUST** provide either a copy of the court documents indicating the disposition of the charge **OR** a notice from the court indicating that the records have been purged.
- If the offense occurred five (5) years ago or less and the DPS letter indicates they have no information regarding the disposition of the charge, the applicant **MUST** provide a copy of the police report.

Expedited Considerations

You may be eligible for expedited consideration. The Board will review your completed application package and either approve your request or schedule you for a hearing. If the Board approves, you will not be required to appear before the Board at a hearing. To be eligible for an expedited review, you must meet all of the guidelines listed below.

1. The applicant has a single, isolated arrest or conviction on the criminal record with the incident occurring three or more years from the appeal application date.
2. The applicant has multiple arrests or convictions on the criminal record with the latest incident occurring five or more years from the appeal application date. *If there are multiple arrests or convictions for the same offense, the latest must have occurred at least ten years ago.*
3. The applicant cannot be awaiting trial and must have met all of the terms and conditions imposed by the court; including completion of probation, payment of any fines, completion of community service hours, attendance at counseling, et cetera.
4. The applicant cannot have misrepresented his/her criminal history on any form required by the Board of Fingerprinting;
5. The arrest or conviction cannot involve physical violence, bodily harm or use of a weapon; *except*
6. Domestic Violence offenses of assault, disorderly conduct and/or trespassing fifteen (15) years or older are eligible as long as there are no other arrests or convictions newer than fifteen (15) years; *and*
7. Domestic Violence offenses of disorderly conduct and/or trespassing five (5) years or older are eligible as long as the police report shows no physical violence was involved.

Interim Work Permits

An interim work permit allows an applicant to continue working while awaiting a decision from the Board. An applicant must meet all of the criteria listed below to be eligible.

1. The applicant must meet all of the requirements for Expedited Consideration.
2. The applicant must provide a notarized recommendation, on letterhead, from an authorized representative of the employer for which the applicant wishes to work.
3. The Interim Work Permit will be valid *only* for the employing agency listed on the applicant's application for a fingerprint clearance card.
4. The agency representative on the Board (from the state agency who contracts with the employing agency) must provide a positive recommendation.
5. An Interim Work Permit may be valid for up to sixty (60) days.

Administrative Guidelines for Expedited Considerations and Interim Work Permits:

1. The applicant is not required to be present.
2. The Board has the option to approve, schedule for hearing or approve with conditions.
3. The Board may include on a "Consent Agenda", allowing for action to be taken on multiple cases with one motion and vote.
4. The Board may consider in person or by teleconference.
5. The Board will not hear from applicant, take testimony, receive evidence or hear from witnesses.
6. The Board may approve only the classification of card requested by the applicant, unless the applicant agrees to accept a lower classification of card as approved by the Board. An applicant that agrees to a lower classification of card may request a hearing for a higher classification. If an applicant does not agree to a lower classification of card as approved by the Board, a hearing will be scheduled.
7. The Board of Fingerprinting Director has the discretion to refer any request for a good cause exception to the Board for a hearing.
8. An applicant, who has previously appealed to the Board and was denied a good cause exception for any of the following reasons - length of time since the latest offense, still on probation, or hadn't met the terms and conditions imposed by the courts - may be eligible in the new process for expedited consideration or an interim work permit if the applicant meets all of the other requirements.
9. The applicant is not eligible for expedited consideration if there is no disposition information available, and no indication that the applicant made an effort to obtain disposition information.

Additional Guidelines for ALL Processes:

1. If the Board receives an applicant's explanation, letters of reference, or other items in a language other than English, the Board will, whenever possible, have these documents translated. Nevertheless, the state has no obligation to correspond with the applicant in any language other than English so no documents forwarded to the applicant will be translated. However, the Board will provide translation services during hearings if necessary.

ARIZONA BOARD OF FINGERPRINTING

4/17/01

So far this year, DPS:

V/A Completed:	9,934	Denied:	619	6%
ACCT Completed	26,274	Denied:	1,021	4%

REVISED COPY

So far this year, BOF:

Vulnerable Adults:

Total Number of Appeals*	432	Closed Due to Board Action:	211
Total Number of Closed*	289	Approvals	181
Total Number of Pending	143	Denials	30
% of Total Approvals	64%	% of Approvals due to Board Action	86%
% of Total Denials	36%	% of Denials due to Board Action	14%

ACCT***:

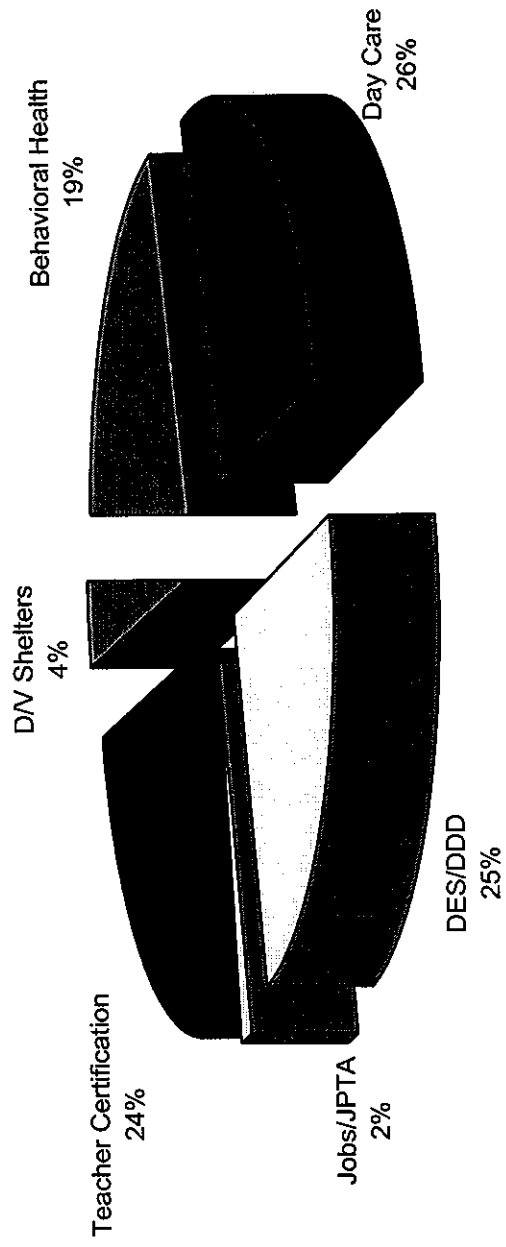
Total Number of Appeals	1,402	Closed Due to Board Action:	575
Total Number of Closed	1,012	Approvals	504
Total Number of Pending	390	Class 1	377
		Class 1 R	4
% of Total Approvals	56%	Class 2	101
% of Total Denials	44%	Class 2 R	22
		Denials	71
		% of Approvals due to Board Action	88%
		% of Denials due to Board Action	12%

* Includes 10 DHS appeals.

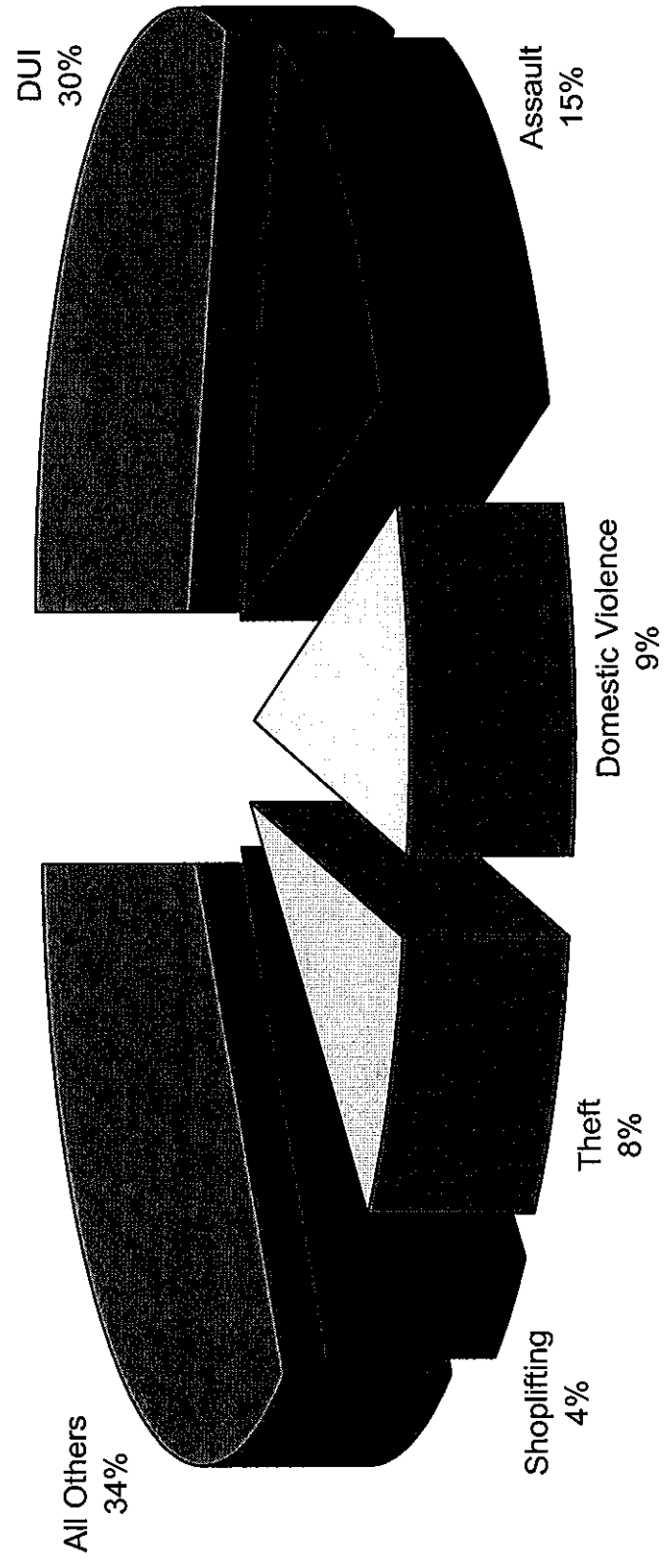
NOTE: The total closed includes all applicants who applied but either never returned their applications, were ineligible to appeal, or were denied because they failed to show up at their hearing. It also includes those who were subsequently issued a letter of approval by DPS after Board staff helped them obtain more information.

*** ACCT figures are based over a 2-year period while V/A are since July.

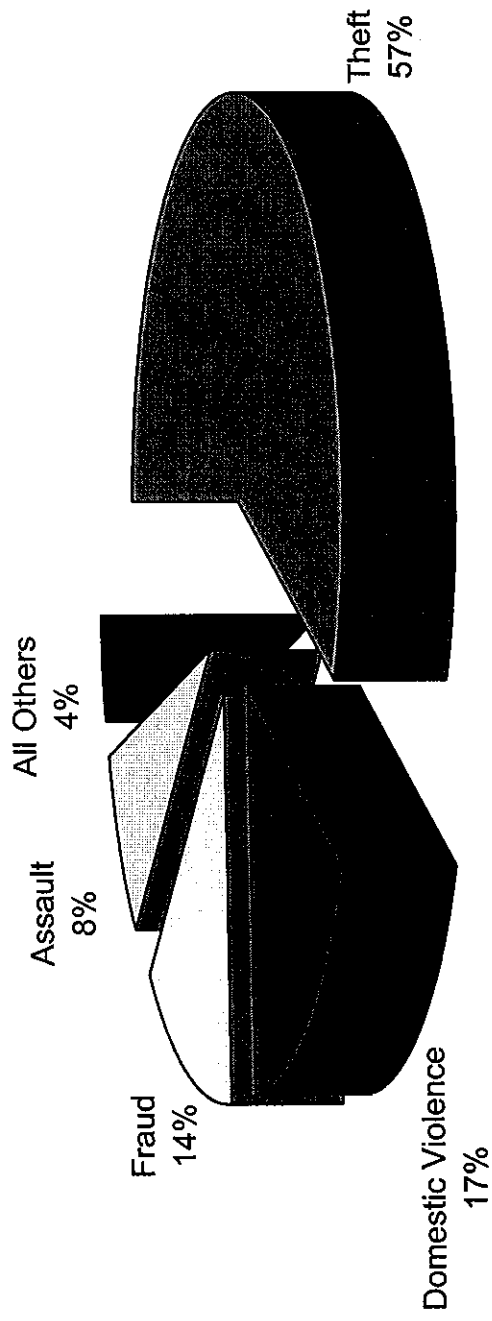
ACCT Appeals By Program Area



Top 5 Offenses of Board of Fingerprinting Applicant Clearance Card Appeals



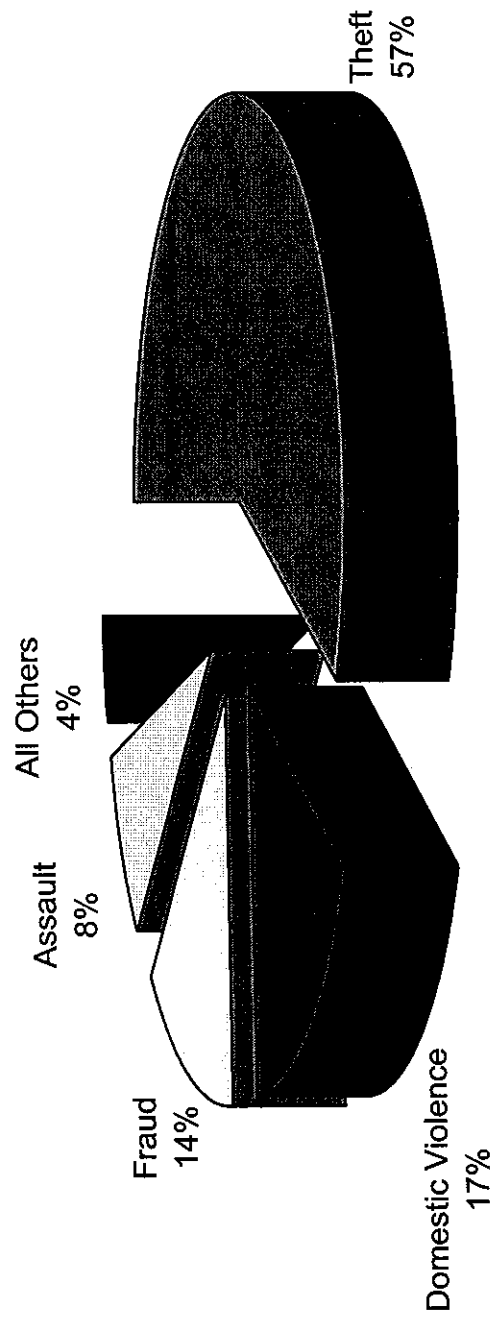
Top 4 Offenses of Board of Fingerprinting Vulnerable Adult Appeals



Top 4 Offenses of All Board of Fingerprinting Appeals for Vulnerable Adult

Theft	338
Domestic V	102
Fraud	81
Assault	45
All Others	25

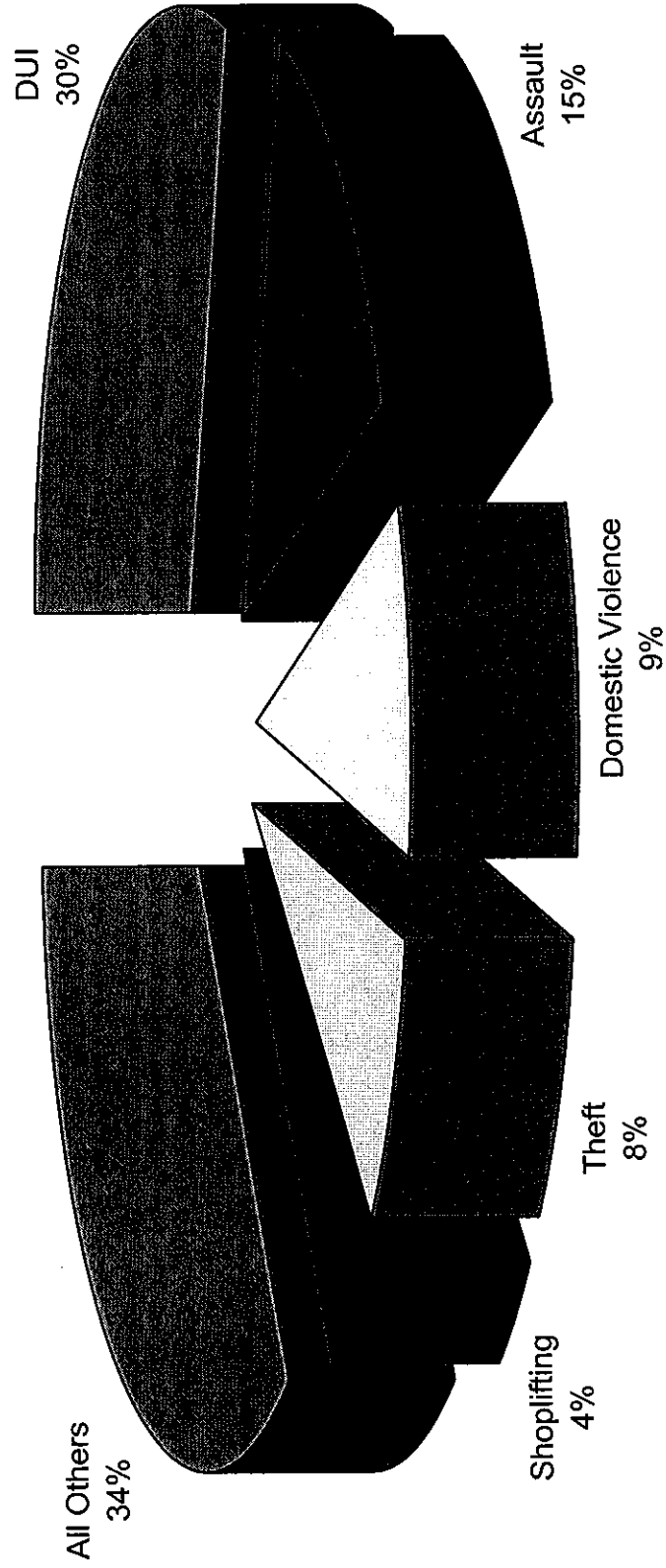
Top 4 Offenses of Board of Fingerprinting Vulnerable Adult Appeals



Top 5 Offenses of ALL Board of Fingerprinting Applicant Clearance Card Appeal

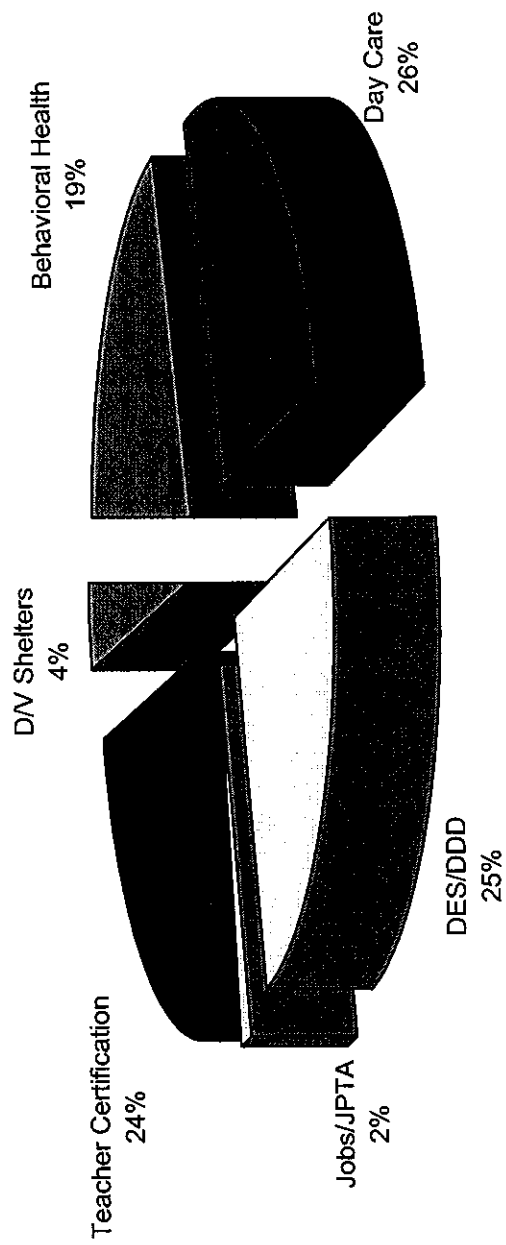
DUI	745
Assault	367
Domestic V	238
Theft	210
Shoplifting	106
All Others	856

Top 5 Offenses of Board of Fingerprinting Applicant Clearance Card Appeals



Behavioral Health	Day Care	DES/DDD	Jobs/JPTA	Teacher Certification	D/V Shelters
288	398	368	24	365	55

ACCT Appeals By Program Area



BOARD OF FINGERPRINTING
Quarterly Budget Report
for the quarter ending June 30, 2001

7/10/01

STARTING BALANCE

\$ -
\$ 156,300.00

Adjusted Balance = \$ 156,300.00

Personal Services \$ 100,032.39

ERE \$ 21,241.11

Professional/Outside Services \$ 22,139.58

In-State Travel \$ -

Out-of-State Travel \$ -

Other Operating \$ 11,559.50

Capital Equipment \$ -

Sub Total = \$ 154,972.58

REMAINING BALANCE = \$ 1,327.42

ARIZONA DEPARTMENT OF PUBLIC SAFETY

INTEROFFICE MEMORANDUM



DENNIS A. GARRETT
DIRECTOR

DATE: June 25, 2001

TO: Lt. Colonel David A. Felix, Assistant Director, Criminal Justice Support Division

FROM: Sally A. Loveland, Director, Board of Fingerprinting *sal*

SUBJECT: **FOURTH QUARTER STRATEGIC PLAN PROGRESS REPORT-FY 2001**

FOR: ☒ action ☐ decision ☒ information ☐ signature

Enclosed is a copy of the Board's progress report for the fourth quarter period of Fiscal Year 2001. This information is provided for inclusion in the Department's strategic plan progress report to the Governor.

If you would like additional information, please contact me at extension 2809.

Enclosure



ARIZONA DEPARTMENT OF PUBLIC SAFETY
STRATEGIC PLAN PROGRESS REPORT

Begin a new I for each budget program/sub-program goal. Complete the head information only on Page 1 for each goal. Sequentially number continuation pages for each goal.

FY: 2001 QTR: 4

PROGRAM / SUB-PROGRAM Fingerprint Identification Bureau/Arizona Board of Fingerprinting

DATE 6/25/01

Page 1 of 2

GOAL: I. To develop and implement fair standards, rules, policies and procedures for approving good cause exceptions.

NO.	MEASURABLE OBJECTIVE	*STATUS	PERFORMANCE MEASURE	TARGETED PERF.	ACTUAL PERF.	REMARKS
1.	Initiate the rule making process for the Board of Fingerprinting by July 30, 2001.	CP	Docket filed	6/30/2001	7/1/2000	Although a docket was filed in this fiscal year, the Board was unable to act on it and it was allowed to lapse. Another docket will be filed in the next fiscal year.
2.	At least quarterly, schedule open meetings with affected agencies and other interested parties to review and discuss proposed rules and policies.	CP	Number of Meetings held	2	2	No meetings were held this quarter.
		CP	Number of agencies, stakeholders attending meetings	10	20	

*Status Codes: OS = On Schedule

AS=Ahead of Schedule

BS=Behind Schedule

CP=Completed

CA=Cancelled

DPS 802-04145 New 7/96

ARIZONA DEPARTMENT OF PUBLIC SAFETY
STRATEGIC PLAN PROGRESS REPORT

Begin a new Page 1 for budget program/sub-program goal. Complete the header information only on Page 1 for each goal. Sequentially number continuation pages for each goal.

Page 2 of 2

FY: 2001	QTR: 4	PROGRAM / SUB-PROGRAM	Fingerprint Identification Bureau/Arizona Board of Fingerprinting	DATE 6/25/01
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GOAL: II. To provide applicants with timely decisions on their good cause exception appeals.

NO.	MEASURABLE OBJECTIVE	STATUS	PERFORMANCE MEASURE	TARGETED PER.	ACTUAL PER.	REMARKS
1.	By June 30, 2001, reduce the average turnaround time from receipt of application to decision/hearing to 30 days for good cause exception decisions and 60 days for good cause exception hearings.	AS	Number of good cause exception decisions/hearings requests	800	1,669	16 date: 529 appeals for V/A and 1,140 appeals for ACCI We are significantly over the projected number of appeals expected to date. This volume has seriously affected our ability to meet our targeted performance measures.
		BS	Number of good cause exception appeals decided/heard	275 / 416	305 / 275	The Board is seriously short-staffed and unable to absorb the volume of appeals. An additional intermittent employee has been hired to help through the end of this fiscal year.
		BS	Average number of days from receipt of application package to decision/hearing	30 / 60	25 / 185	Weekly hearings will be suspended until the Board is fully staffed. One hearing per month will be scheduled.
2.	On an ongoing basis, review the Board requirements of appellants who desire good cause exceptions to ensure that each continues to be reasonable, essential, and relevant for the Board decision-making process.	CP	Review performed	1	4	
		BS	Compare with other states or comparable programs	AZ/Other states/programs	0	Hearings have taken precedence over conducting surveys of other states' programs.
3.	Improve the efficiency of Board operations by September 30, 2000, through completion of the computer tie-in with the DPS ACCTRAK system.	CP	Board/ACCTRAK programming complete	9/30/00	12/01/00	Complete
	Improve the efficiency of Board operations by December 31, 2000, through completion of the computer tie-in with the DPS Vulnerable Adult system.	CP	Board/Vulnerable Adult programming complete	12/31/00	11/15/00	Complete

*Status Codes: OS = On Schedule AS=Ahead of Schedule BS=Behind Schedule CP=Completed CA=Cancelled DPS 802-04145 New 7/96

INFORMATION CURRENTLY NOT AVAILABLE.

STATISTICS TO BE PROVIDED AT MEETING.

ARIZONA DEPARTMENT OF PUBLIC SAFETY

3102 WEST ENCANTO BLVD. P.O. BOX 6638 PHOENIX, ARIZONA 85005-6638 (602) 223 - 2000



JANE DEE HULL
GOVERNOR

DENNIS A. GARRETT
DIRECTOR

June 27, 2001

Mr. George Weisz, Executive Assistant
Governor's Office
1700 West Washington Street
Phoenix, AZ 85007

Dear Mr. Weisz:

I would like to meet with you at your earliest convenience to discuss funding options for the Arizona Board of Fingerprinting. Since its inception in 1999, the Board has been consistently underfunded. Other stakeholder agencies (DES, DHS, and ADE) have provided some temporary clerical assistance, but the Department of Public Safety has provided significant funding and ancillary support for the last two fiscal years.

On behalf of the Board, DPS requested a significant funding increase for fiscal years 2002 and 2003. However, the Legislature included the Board's request as a second-tier budget trigger, and it does not appear that State revenues will be sufficient to pull this trigger. This means that for fiscal year 2002, the Board is appropriated only \$97,200. This funding will not support one FTE Position and operating costs for a year, let alone the three positions currently authorized or the total of five positions requested as a budget issue.

Below are some of the consequences of this critical situation.

- Timely hearings cannot be held. The earliest hearing date for a fiscal year 2002 appeal would be July 2002.
- Some contract signings for new teachers will be delayed.
- Some nursing home and health care agency staffing shortages will be exacerbated.
- Some convicted offenders who will ultimately be disqualified will continue to work for longer periods. (Some programs allow denied applicants to work pending the outcome of their good cause exemption appeal.)

Enclosed is additional detailed information regarding this issue. I will contact your office within the next two weeks to schedule a meeting on these concerns.

Sincerely,

A handwritten signature in black ink, which appears to read "Dennis A. Garrett". The signature is fluid and cursive, with a large, sweeping "D" and "G".

Dennis A. Garrett, Colonel
Director

ec

Encl.

Arizona Board of Fingerprinting

Workload Statistics/Projected Hearing Dates

Funding Needs

<u>With One FTE Position:</u>	<u>FY 2002</u>	<u>FY 2003</u>		<u>FY 2002</u>	<u>FY 2003</u>
Prior Year's Appeals Backlog	231	1,966	Appropriated Funding	\$ 97,200	\$ 97,900
New Appeals to Board 1/	1,975	1,975	Projected Need	112,700	119,700
Total Appeals Pending	2,206	3,941	Shortfall	\$ (15,500)	\$ (21,800)
Completed Appeals (20 per month)	240	240			
Remaining Appeals Backlog	1,966	3,701			
Months to Clear Prior Year's Backlog	12	98			
Months to Clear New Appeals	99	99			
First Hearing Date for New Appeals	July 2002	October 2010			
Last Hearing Date for New Appeals	September 2010	December 2018			
<u>With Three FTE Position:</u>	<u>FY 2002</u>	<u>FY 2003</u>		<u>FY 2002</u>	<u>FY 2003</u>
Prior Year's Appeals Backlog	231	1,486	Appropriated Funding	\$ 97,200	\$ 97,900
New Appeals to Board 1/	1,975	1,975	Projected Need	235,800	216,500
Total Appeals Pending	2,206	3,461	Shortfall	\$(138,600)	\$(118,600)
Completed Appeals (60 per month)	720	720			
Remaining Appeals Backlog	1,486	2,741			
Months to Clear Prior Year's Backlog	4	25			
Months to Clear New Appeals	33	33			
First Hearing Date for New Appeals	November 2001	August 2004			
Last Hearing Date for New Appeals	July 2004	April 2007			
<u>With Five FTE Position:</u>	<u>FY 2002</u>	<u>FY 2003</u>		<u>FY 2002</u>	<u>FY 2003</u>
Prior Year's Appeals Backlog	231	286	Appropriated Funding	\$ 97,200	\$ 97,900
New Appeals to Board 1/	1,975	1,975	Projected Need	332,100	310,500
Total Appeals Pending	2,206	2,261	Shortfall 2/	\$(234,900)	\$(212,700)
Completed Appeals (160 per month)	1,920	1,920			
Remaining Appeals Backlog	286	341			
Months to Clear Prior Year's Backlog	1	2			
Months to Clear New Appeals	12	12			
First Hearing Date for New Appeals	August 2001	September 2002			
Last Hearing Date for New Appeals	August 2002	August 2003			

1/ Original funding request was based on 1,200 appeals per year. However, actual FY 2001 appeals were 1,975.

2/ Originally requested increases of \$186,100 for FY 2002 and \$148,700 for FY 2003 were based on only 1,200 appeals per year.

AGENDA ITEM NO. III. A.

BOARD OF FINGERPRINTING MEETING DATE: July 17, 2001

SUBJECT: Consideration of FY 2002-2004 Strategic Plan for submission to Governor's Office

SUBMITTED BY: Ms. Loveland

BACKGROUND INFORMATION:

The Board is required to prepare and submit a three-year strategic plan to the Governor's office by September 1, 2001. The plan goals and objectives were developed predicated on the Board obtaining full funding for its operations.

The three-year plan includes a mission statement, goals and objectives, and performance measures that the Board hopes to attain each year. Plan emphasis is on providing timely decisions on good cause exception appeals and developing fair standards, rules, policies and procedures for Board activities.

BOARD ACTION REQUESTED:
below)

INFORMATION ☐

ACTION ☒ (described

Approve the Board's three-year strategic plan for submission to the Governor's Office.

ATTACHMENTS:

YES ☒

NO ☒

**ARIZONA BOARD OF FINGERPRINTING
FY2002-2004 STRATEGIC PLAN**

Subprogram Mission:

To fairly, expeditiously and responsibly determine good cause exceptions for applicants who have been denied a fingerprint clearance card, or who have been denied approval to work in a residential care facility, a nursing care institution or a home health agency.

Subprogram Description:

The Arizona Board of Fingerprinting reviews requests for good cause exceptions from eligible people who require a fingerprint clearance card and who have been denied clearance by the Department of Public Safety. The Board also reviews requests for good cause exceptions from eligible personnel who have been denied approval by the Department of Public Safety and wish to work in a residential care facility, a nursing care institution or a home health agency.

Subprogram Goal Summary:

- Goal 1: To develop and implement fair standards, rules, policies and procedures for approving good cause exceptions.
- Goal 2: To provide applicants with timely decisions on their good cause exception appeals.

Subprogram Goals, Objectives and Performance Measures:

- ◆GOAL I: TO DEVELOP AND IMPLEMENT FAIR STANDARDS, RULES, POLICIES, AND PROCEDURES FOR APPROVING GOOD CAUSE EXCEPTIONS.

Objective 1:

- Initiate the rule making process for the Board of Fingerprinting by July 30, 2002.
- Complete the rule making process by June 30, 2003.
- On an ongoing basis, continue to review existing rules for relevance, consistency and fairness.

<u>Type</u>	<u>Performance Measures</u>	<u>FY 2001 Actual</u>	<u>FY 2002 Expected</u>	<u>FY 2003 Expected</u>	<u>FY2004 Expected</u>
Output	Docket re-filed	n/a	Yes	n/a	n/a
Efficiency	GRRC deadlines met	n/a	n/a	Yes	n/a
Output	Number of rules reviewed	n/a	n/a	n/a	All

Objective 2:

- At least quarterly, schedule open meetings with affected agencies and other interested parties to review and discuss proposed rules and policies.
- By June 30, 2003, regularly participate in user group meetings to ensure that Board policies, procedures and operations meet agency expectations and needs.
- On an ongoing basis, continue to meet with agencies and other interested parties regarding Board policies, procedures and actions.

<u>Type</u>	<u>Performance Measures</u>	<u>FY 2001 Actual</u>	<u>FY 2002 Expected</u>	<u>FY 2003 Expected</u>	<u>FY2004 Expected</u>
Output	Number of meetings held	2	4	8	TBD
Output	Number of agencies, stakeholders attending meetings.	20	10	10+	10+

◆GOAL II: TO PROVIDE APPLICANTS WITH TIMELY DECISIONS ON THEIR GOOD CAUSE EXCEPTION APPEALS.

Objective 1:

- By June 30, 2002, hold the average turn-around time from receipt of application to decision/hearing to 90 days for good cause exception decisions and 365 days for good cause exception hearings.
- By June 30, 2003, reduce the average turn-around time from receipt of application to decision/hearing to 25 days for good cause exception decisions and 60 days for good cause exception hearings.

- By June 30, 2004, reduce the average turn-around time from receipt of application to decision/hearing to 20 days for good cause exception decisions and 45 days for good cause exception hearings.

<u>Type</u>	<u>Performance Measures</u>	<u>FY 2001 Actual</u>	<u>FY 2002 Expected</u>	<u>FY 2003 Expected</u>	<u>FY 2004 Expected</u>
Input	Number of good cause exception requests	1669	1975	1975	TBD
Output	Number of good cause exception appeals decided/heard*	305 decided <u>275 heard</u> 580 Total	96 decided <u>144 heard</u> 240 Total	630 decided <u>900 heard</u> 1,530 Total	TBD
Efficiency	Days from receipt of application package to decision/hearing*	25 /decision 185 to hearing	90 /decision 365 to hearing	90 /decision 60 to hearing	20 /decision 45/hearing

* *Decisions = Applicant not present; Hearings = Applicant present*

Objective 2:

- On an ongoing basis, review the Board requirements of appellants who desire good cause exceptions to ensure that each continues to be reasonable, essential, and relevant for the Board decision-making process.

<u>Type</u>	<u>Performance Measures</u>	<u>FY 2001 Actual</u>	<u>FY 2002 Expected</u>	<u>FY 2003 Expected</u>	<u>FY 2004 Expected</u>
Output	Review performed	4	1	1	1
Benchmark	Compare with other States or comparable programs	0	AZ/Other states/prgms	AZ/Other states/prgms	AZ/Other states/prgms

Objective 3:

- By June 30, 2002, develop a restricted web site to enable the Board to review appeal information online.
- By June 30, 2003, complete the automation of the appeal process by connecting the restricted Board web site with the DPS ACCTRAK telephone system.

FY 2001 <u>Type</u>	FY 2002 <u>Performance Measures</u>	FY 2003 <u>Actual</u>	FY 2004 <u>Expected</u>	<u>Expected</u>	<u>Expected</u>
Output	Web Site developed	n/a	100%	n/a	n/a
Output	Web site connected to DPS ACCTRAK	n/a.	n/a.	100%	n/a
Outcome	Board appeal/completion turn-around targets met	No	yes/no	yes/no	yes/no

Resource Assumptions:

The Board was under funded in fiscal years 2000 and 2001. The Board will be under funded in fiscal year 2002 as well. Although the Board was able to delay the process this year, it must comply with the State's Rulemaking procedures in fiscal year 2002. The process is lengthy, costly and time-consuming, and the total cost is inestimable at this time.

The Department of Public Safety provided the additional monies required for the Board's start up costs, needed personnel and basic day-to-day operating expenses in fiscal year 2000 and filled the funding gap again in fiscal year 2001. The projected shortfall for the Board's next two-year budget cycle exceeds \$250,000. The Board must be self-sufficient in personnel and funding in the future. The goals, objectives and performance targets identified in this plan are based on actual budget expectations for FY 2002, but are predicated on the Board obtaining full funding in future years.

Financial and FTE Position Information:

Source	(Thousands)			
	FY 2001 \$ Actual	FY 2002 \$ Estimate	FY 2003 \$ Estimate	FY 2004 \$ Request
General Fund (match)	61.7	61.7	62.4	426.0
Other Appropriated Funds Agency Fees	40.0	35.5	35.5	0.0
Other Non-Appropriated Funds (DPS)	53.3	0.0	0.0	
State Lottery	0.0	0.0	0.0	0.0
Liquor Tax	0.0	0.0	0.0	0.0
Foundation	0.0	0.0	0.0	0.0
Private Donations	0.0	0.0	0.0	0.0
Federal Funds Match (50%)	0.0	0.0	0.0	0.0
CAP	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Total Funds	155.0	97.2	310.6	426.0
	FY 2001 <u>Actual</u>	FY 2002 <u>Estimated</u>	FY 2003 <u>Authorized</u>	FY 2004 <u>Request</u>
FTE Positions	3.0	1.0	5.0	7.0

AGENDA ITEM NO. III. B.

BOARD OF FINGERPRINTING MEETING DATE: July 17, 2001

SUBJECT: Consideration of Filing a Notice of Rulemaking Docket Opening

SUBMITTED BY: Ms. Loveland

BACKGROUND INFORMATION:

Arizona Revised Statute §41-1003 states "each agency shall adopt rules of practice setting forth the nature and requirements of all formal procedures available to the public". On June 15, 2000, the Board filed a Notice of Rulemaking Docket Opening. On June 15, 2001, this notice lapsed and the Board must file a new notice.

BOARD ACTION REQUESTED:
below)

INFORMATION ☒ **[X]**

ACTION ☒ **[X]** (described

Approve the filing of a new Notice of Rulemaking Docket Opening.

ATTACHMENTS:

YES ☒ **[X]**

NO ☐ **[]**

AGENCY RECEIPT

NOTICE OF RULEMAKING DOCKET OPENING

1. Agency Name: Arizona Board of Fingerprinting
2. The Subchapters, if applicable, the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, listed in alphabetical and numerical order:

<u>Subchapters, Articles, Parts, and Sections</u>		<u>Action</u>
R13-11-101	Applicability	Amend
R13-11-102	Good Cause Exception Hearings	Amend
R13-11-103	Notification of Decisions for Good Cause Exception Hearing	Amend
R13-11-104	Requests for Good Cause Exception – No Disposition	Amend
R13-11-105	Confidentiality	Amend

NOTICE OF RULEMAKING DOCKET OPENING

Arizona Board of Fingerprinting

1. **Title and its heading:** 13, Public Safety
Chapter and its heading: 11, Board of Fingerprinting
Articles and their heading: 1, Board of Fingerprinting
Section numbers: R13-11-101 through R13-11-105
(The Board may add, delete, or modify additional Sections or Exhibits as necessary.)
2. **The subject matter of the proposed rule:**

The Board of Fingerprinting was established in 1999 to conduct good cause exception hearings for the issuance of class one and class two fingerprint clearance cards. The Board was exempt

The proposed rulemaking will delete all of the Sections within the Article and replace them with new Sections that will update the program, reorganize the rules, clarify the rules, conform to rulemaking format and style requirements, and conform to statutory authority and the Administrative Procedure Act. The rules will identify standards for issuing interim approvals; clarify the process for approving good cause exception appeals without formal hearings; and establish standards and procedures for hearing good cause exceptions from eligible applicants who require a fingerprint clearance card or who wish to work in residential care institutions, home health agencies and nursing care facilities.

The Board may add, delete, or modify additional Sections or Exhibits as necessary.
3. **A citation to all published notices relating to the proceeding:**

Notice of Exempt Rulemaking: 13A.A.C. 11, September 10, 1999
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name:	Sally A. Loveland
Address:	Arizona Board of Fingerprinting Mail Code 2500 P. O. Box 6638 Phoenix, AZ 85005-6638
Telephone:	(602) 223-2800
Fax:	(602) 223-2947
E-mail:	sloveland@dps.az.state.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept written comments until the close of record, which has not yet been determined. The Board has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

AGENDA ITEM NO. III. C.

BOARD OF FINGERPRINTING MEETING DATE: July 17, 2001

SUBJECT: Consideration of Board Scheduling of Public Meetings With Agencies and
Provider Agencies Regarding Changes to Legislation

SUBMITTED BY: Mr. LeHew

BACKGROUND INFORMATION:

At the last meeting of the Board agencies' legislative liaisons, Senator Tom Smith requested that the various fingerprint clearance card stakeholders meet sometime this summer to discuss and try to develop consensus on the types of changes needed in the laws governing the fingerprint clearance card program. For instance, if time limits are needed, what time frames would be reasonable and what offenses should be affected?

The Board is a neutral party in this process, yet has important historical information to provide to the agencies that may help them in their decision process. At a meeting last month with Senator Smith and various legislative aides, the issue was again raised. Senator Smith asked that the Board take a proactive role in scheduling these meetings.

BOARD ACTION REQUESTED:
below)

INFORMATION ☒

ACTION ☒ (described

Determine which days to schedule meetings and whom to invite.

ATTACHMENTS:

YES ☐

NO ☒